

England - Parliament - House of Lords - Proc. II.

PROTEST

AGAINST THE

BILL

To repeal the

American Stamp Act,

OF

LAST SESSION.

A PARIS,

Chez J. W. Imprimeur, Rue du Colombier Fauxbourg
St. Germain, à l'Hotel de Saxe. M.DCC.LXVI.

Prix, dix huit Sous.
Avec Approbation, & Privilege.

S P E A K E R S.

Against the Repeal.

- 1 Earl of Coventry
- 3 Earl of Sandwich
- 5 Earl of Halifax
- 9 Lord Botetourt
- 10 Earl of Suffolk
- 12 Lord Lyttelton
- 14 Lord Mansfield
- 16 Ld. Vis. Townshend
- 17 Earl Temple
- 18 Duke of Bedford

For the Repeal.

- 2 Duke of Newcastle
- 4 Duke of Grafton
- 6 Duke of Richmond
- 7 Earl Powlett
- 8 Earl of Pomfret
- 11 Lord Chancellor
- 13 Earl of Shelburne
- 15 Lord Camden



The Order of the Day being read for the second reading of the Bill, entitled, *An Act to repeal an Act made in the last session of parliament, entitled, an Act for granting and applying certain stamp duties and other duties in the British Colonies and Plantations in America, towards further defraying the expences of defending, protecting, and securing the same, and for amending such parts of the several acts of parliament relating to the Trade and Revenues of the said Colonies and Plantations, as direct the manner of Determining and Recovering the Penalties and Forfeitures therein mentioned.* Then the said Bill was read a second Time, and it being proposed to commit the Bill, the same was objected to. After a long Debate thereupon, the Question was put, Whether the said Bill shall be committed: It was resolved in the Affirmative.

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F I R S T.

Dissentient,

BECAUSE, as this House has in this Session by several resolutions most solemnly asserted and declared, first, "That the King's Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

ral, and Commons of Great Britain, in Parliament assembled, had, hath, and of right ought to have, full power and authority, to make laws and statutes of sufficient force and validity to bind the Colonies, and people of America, subjects of the crown of Great Britain, in all cases whatsoever :" Secondly, " That tumults and insurrections of the most dangerous nature have been raised and carried on in several of the North American Colonies, in open defiance of the power and dignity of his Majesty's Government, and in manifest violation of the laws and legislative authority of this kingdom :" Thirdly, " That the said tumults and insurrections have been encouraged and inflamed, by sundry votes and resolutions passed in several of the Assemblies of the said provinces, derogatory to the honour of his Majesty's Government, and destructive of the legal and constitutional dependency of the said Colonies, on the imperial Crown and Parliament of Great Britain :" Which resolutions were founded on a full examination of the papers on our table, manifesting a denial of the legislative authority of the Crown and Parliament of Great Britain, to impose duties and taxes on our North American Colonies; and a criminal resistance there made to the execution of the commercial and other regulations of the Stamp Act, and of other acts of parliament : we are of opinion, that the total repealing of that law, especially

especially while such resistance continues, would (as Governor Barnarde says is their intention) "make the authority of Great Britain contemptible hereafter;" and that such a submission of King, Lords, and Commons, under such circumstances, in so strange and unheard of a contest, would in effect, surrender their ancient, unalienable rights of supreme jurisdiction, and give them exclusively to the subordinate Provincial Legislatures established by prerogative; which was never intended or thought of, and is not in the power of prerogative to bestow; as they are inseparable from the Three Estates of the Realm assembled in Parliament.

SECONDLY.

Because the law, which this Bill now proposes to repeal, was passed in the other House with very little opposition, and in this without one dissentient voice, during the last session of Parliament, which we presume, if it had been wholly and fundamentally wrong, could not possibly have happened; as the matter of it is so important, and as the intention of bringing of it in, had been communicated to the Commons by the first Commissioner of the Treasury the year before, and a resolution relating and preparatory to it, was then agreed to in that House, without any division.

A 3

Thirdly,

THIRDLY.

Because, if any particular parts of that law, the principal of which has been experienced and submitted to in this country, without repining, for near a century past, had been found liable to just and reasonable objections, they might have been altered by a Bill to explain and amend it, without repealing the whole. And, if any such Bill had been sent to us by the Commons, we should have thought it our duty to have given it a most serious consideration, with a warm desire of relieving our countrymen in America from any grievance or hardship; but with proper care to enforce their submission and obedience to the law so amended, and to the whole legislative authority of Great Britain, without any reserve or distinction whatsoever.

FOURTHLY.

Because, it appears to us, that a most essential branch of that authority, the power of Taxation, cannot be properly, equitably or impartially exercised, if it does not extend itself to all the members of the state in proportion to their respective abilities; but suffers a part to be exempt from a due share of those burthens, which the public exigencies require to be imposed upon the whole: a partiality which is directly

rectly and manifestly repugnant to the trust reposed by the people in every legislature, and destructive of that confidence on which all government is founded.

FIFTHLY.

Because, the ability of our North American Colonies, to bear without inconvenience the proportion laid on them by the Stamp Act of last year, appears to us most unquestionable, for the following reasons: First, that the estimated produce of this Tax, amounting to sixty thousand pounds *per Annum*, if divided amongst twelve hundred thousand people (being little more than one half of the subjects of the Crown in North America) would be only one shilling *per head* a year; which is but a third of the wages usually paid to every labourer or manufacturer there for one day's labour: Secondly, That it appears by the accounts that have been laid before this House from the Commissioners of Trade and Plantations, that of the debt contracted by those Colonies in the last war, above 1,755,000*l.* has already been discharged during the course of three years only, by the funds provided for that purpose in the several provinces; and the much greater part of the remaining incumbrance, which in the whole is about 760,000 pounds, will be paid in two years more: We must likewise observe, that the

bounties and advantages given to them by Parliament, in 1764 and 1765, and the duties thereby lost to Great Britain for their service, and in order to enable them the more easily to pay this Tax, must necessarily amount in a few years to a far greater sum than the produce thereof. It is also evident, that such produce being wholly appropriated to the payment of the army maintained by this Kingdom in our Colonies, at the vast expence of almost a shilling in the pound land tax, annually remitted by us for their special defence and protection; not only no money would have been actually drawn by it out of that country, but the ease given by it to the people of Great Britain, who are labouring under a debt of seventy millions, contracted by them to support a very dangerous war, entered into for the interest and security of those Colonies, would have redounded to the benefit of the Colonies themselves in their own immediate safety, by contributing to deliver them from the necessary expence, which many of them have hitherto always borne, in guarding their frontiers against the savage Indians.

SIXTHLY.

Because, not only the right, but the expediency and necessity of the supreme legislature, exerting its authority to lay a general tax

tax on our American Colonies, whenever the wants of the public make it fitting and reasonable, that ~~all~~ the Provinces should contribute in a proper proportion to the defence of the whole, appear to us undeniable, from these considerations: First, That every Province being separate and independant on the others, and having no Common Council impowered by the constitution of the Colonies to act for all, or bind all, such a tax cannot regularly, or without infinite difficulty, be imposed upon them at any time, even for their immediate defence or protection, by their own provincial assemblies; but requires the intervention and superintending power of the Parliament of Great Britain. Secondly, That in looking forwards to the possible contingency of a new war, a contingency perhaps not far remote, the prospect of the burthens which the gentry and people of this Kingdom must then sustain, in addition to those, which now lie so heavy upon them, is so melancholy and dreadful, that we cannot but feel it, a most indispensable duty to ease them as much as is possible, by a due and moderate exertion of that great right, which the constitution of this realm has vested in the Parliament, to provide for the safety of all, by a proportionable charge upon all, equally and indifferently laid. We likewise apprehend, that a partial exemption of our

our Colonies from any exercise of this right by the British Legislature, would be thought so invidious, and so unjust to the other subjects of the Crown of Great Britain, as to alienate the hearts of these from their Countrymen residing in America, to the great detriment of the latter, who have on many occasions received, and may again want assistance, from the generous warmth of their affection.

SEVENTHLY.

Because, the reasons assigned in the public resolutions of the Provincial Assemblies, in the North American Colonies, for their disobeying the Stamp Act, viz. "That they are not represented in the Parliament of Great Britain," extends to all other laws, of what nature soever, which that Parliament has enacted, or shall enact, to bind them in times to come, and must (if admitted) set them absolutely free from any obedience to the power of the British Legislature; we likewise observe, that in a letter to Mr. Secretary Conway, dated the 12th of October 1765; the commander in chief of his Majesty's forces in North America has declared his opinion, "That " the Question is not of the inexpediency of " the Stamp Act, or of the inability of the " Colonies to pay the Tax; but that it is " unconstitutional and contrary to their " Rights,

“ Rights, supporting the independancy of
 “ the Provinces, and not subject to the le-
 “ gislative power of Great Britain.” It is
 moreover affirmed, in a letter to Mr. Con-
 way, dated 7th November “ That the peo-
 ple in general are averse to Taxes of any
 “ kind; and that the merchants of that
 “ place think they have a right to every
 “ freedom of trade which the subjects of
 “ Great Britain now enjoy.” This opinion
 of theirs strikes directly at the Act of Navi-
 gation, and other subsequent laws, which
 from time to time have been made in the
 wise policy of that Act; and should they
 ever be encouraged to procure for themselves
 that absolute freedom of trade, which they
 appear to desire, our plantations would be-
 come, not only of no benefit, but in the
 highest degree prejudicial to the commerce
 and welfare of their Mother-country; nor
 is it easy to conceive a greater encourage-
 ment, than the repealing of a law opposed
 by them on such principles, and with so
 much contempt of the Sovereignty of the
 British Legislature.

EIGHTHLY.

Because, the appearance of weakness and
 timidity in the Government and Parliament
 of this kingdom, which a concession of this
 nature may too probably carry with it, has
 a manifest

a manifest tendency to draw on further insults, and by lessening the respect of all his Majesty's subjects to the dignity of his Crown, and authority of his Laws, throw the whole British empire into a miserable state of confusion and anarchy, with which it seems by many symptoms to be dangerously threatened; and this is the more to be feared, as the plea of our North American Colonies, that not being represented in the Parliament of Great Britain, they ought not to pay Taxes imposed or levied upon them by the authority thereof, may by the same reasoning be extended to all persons in this Island, who do not actually vote for Members of Parliament; nor can we help apprehending, that the opinion of some countenance being given to such notions by the Legislature itself, in consenting to this Bill, for the Repeal of the Stamp Act, may greatly promote the contagion of a most dangerous doctrine, destructive to all Government, which has spread itself over all our North American Colonies, that the obedience of the subject is not due to the Laws and Legislature of the Realm, farther than he in his private judgment shall think it conformable to the ideas he has formed of a free constitution.

NINTHLY.

NINTHLY.

Because, we think it no effectual guard, or security against this danger, that the Parliament has declared in the resolutions of both Houses, passed during this session, and now reduced into a Bill, That such notions are ill founded; as men will always look more to deeds than words, and may therefore incline to believe, that the insurrections in our Colonies, excited by those notions, having so far proved successful, as to attain the very point, at which they aimed, the immediate repeal of the Stamp Act, without any previous submission on the part of the Colonies; the Legislature has in fact submitted to them, and has only more grievously injured its own dignity and authority, by verbally asserting that Right, which it substantially yields up to their Opposition. The reasons assigned for this concession render it still more alarming, as they arise from an illegal and hostile combination of the people of America, to distress and starve our Manufacturers, and to with-hold from our Merchants the payment of their just debts: the former of which measures has only been practised in open war between two States; and the latter, we believe, not even in that situation, either by the public or by individuals, among the civilized nations of Europe, in modern times.

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If this unprecedented plan of intimidation shall meet with success, it is easy to foresee that the practice of it for other and still greater objects will frequently be renewed, and our manufacturers and merchants reduced to the like, and more permanent distress; we cannot therefore but wish, that some more eligible method, consistent with their future safety and our dignity, had been taken by Parliament, to shew our tender concern and compassion for their sufferings, and to discourage any other such unwarrantable attempts; which we are fully persuaded would have been very practicable, with due care and attention, and at an expence very inferior to the importance of the object.

LASTLY.

Because, we are convinced from the unanimous testimony of the Governors, and other officers of the Crown in America, that if, by a most unhappy delay and neglect to provide for the due execution of the law, and arming the Government there with proper orders and powers, repeatedly called for in vain, these disturbances had not been continued and encreased, they might easily have been quieted before they had attained to any dangerous height; and we cannot, without feeling the most lively sence of grief and indignation, hear arguments drawn from the progress

progress of evils, which should and might have been stopped in their first and feeble beginnings, used for the still greater evil of sacrificing to a present relief the highest permanent interests, and the whole Majesty, Power, and Reputation of Government: This afflicts us the more deeply, because it appears from many letters, that this law, if properly supported by Government, would from the peculiar circumstances attending the disobedience to it, execute itself without blood-shed. And it is said in one of the letters to Mr. Secretary Conway, " That the principal " view is to intimidate the Parliament; but " that if it be thought prudent to enforce " their authority, the people dare not op- " pose a vigorous resolution of the Parlia- " ment of Great Britain." That vigorous resolution has not yet been found in the Parliament; and we greatly fear, that the want of it will certainly produce one of these two fatal consequences; either that the repeal of this law will in effect annul and abrogate all other laws and statutes relating to our Colonies, and particularly the Acts that restrain or limit their Commerce, of which they are most impatient; or, if we should hereafter attempt to enforce the execution of those laws against their will, and by virtue of an authority, which they have dared to insult with impunity and success, that endeavour will bring upon us all those evils and inconveniences,

veniences, to the fear of which we now sacrifice the Sovereignty of the Realm ; and this at a time when the strength of our Colonies, as well as their desire of a total independance on the Legislature and Government of their Mother-country, may be greatly augmented, and when the circumstances and dispositions of the other powers of Europe, may render the contest far more dangerous and formidable to this Kingdom.

Bedford	Scarsdale
Coventry	Lyttelton
Bridgewater	Dunk Hallifax
Temple	Eglintoun
Buckingham	Suffolk and Berkshire
Wentworth	Abercorn
Sandwich	Vere
Bolingbroke	Trevor
Marlborough	Thomas Bristol
W. Gloucester	Ferrers
Ker	Grosvenor
Leigh	Townshend
Bangor	Dudley and Ward
Waldegrave	Charles Carlisle
Aylesford	Powis
Gower	Hyde.
Weymouth	



F I N I S.